

From: [Trey Bussey](#)
To: [FOIA](#)
Subject: RE: SELC FOIA re Correspondence with Gas Companies
Date: Wednesday, February 2, 2022 5:48:10 PM

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Hi Denise,

Thanks for your reply, and yes, that works for us. We do not require further records in response to this request, so please send us something completing the request and advising of our appeal rights.

Thanks,
Trey

From: FOIA <foia@tva.gov>
Sent: Wednesday, February 2, 2022 3:30 PM
To: Trey Bussey <tbussey@selctn.org>
Subject: RE: SELC FOIA re Correspondence with Gas Companies

Hi Trey – I'm a bit behind on answering emails, but thank you for reaching out about this request. I have had it on my list to check with you. If you don't require any further records, I can send you a letter completing the request which would include your right to appeal the redactions from the agreements we provided. Just let me know if that works or if we need to discuss. Thank you --
Denise

From: Trey Bussey <tbussey@selctn.org>
Sent: Wednesday, February 2, 2022 3:56 PM
To: FOIA <foia@tva.gov>
Subject: RE: SELC FOIA re Correspondence with Gas Companies

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Hey Denise,

I'm following up on my email from last week in case you missed it. Please let me know if you have any thoughts on those questions. I'm also happy to get on a Webex call to discuss them.

Thanks,
Trey

From: Trey Bussey
Sent: Thursday, January 27, 2022 10:17 AM
To: FOIA <foia@tva.gov>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

Hey Denise,

I'm writing to follow up on FOIA request #21-FOIA-00178 regarding TVA correspondence with gas pipeline companies. As an interim response, you provided redacted precedent agreements. Do you know when you expect to complete the remainder of the response? On a phone call, you mentioned that withdrawing the remainder of the request would allow us to appeal the interim response. Could you let me know what the process would be to perfect an appeal if we withdraw the remainder of this request?

Thanks,
Trey

From: FOIA <foia@tva.gov>
Sent: Thursday, December 2, 2021 4:16 PM
To: Trey Bussey <tbussey@selctn.org>
Subject: RE: SELC FOIA re Correspondence with Gas Companies

Thank you. I will call you at 3PM EST tomorrow.

From: Trey Bussey <tbussey@selctn.org>
Sent: Thursday, December 2, 2021 4:50 PM
To: FOIA <foia@tva.gov>
Cc: Amanda Garcia <agarcia@selctn.org>
Subject: RE: SELC FOIA re Correspondence with Gas Companies

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

A call would be great. My cell is 202-907-6193. Thanks, Denise.

From: FOIA <foia@tva.gov>
Sent: Thursday, December 2, 2021 3:43 PM
To: Trey Bussey <tbussey@selctn.org>; FOIA <foia@tva.gov>
Cc: Amanda Garcia <agarcia@selctn.org>
Subject: RE: SELC FOIA re Correspondence with Gas Companies

Tomorrow at 3pm EST works for me. Let me know if you want me to call or I can send a Webex.

From: Trey Bussey <tbussey@selctn.org>
Sent: Thursday, December 2, 2021 4:19 PM
To: FOIA <foia@tva.gov>
Cc: Amanda Garcia <agarcia@selctn.org>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Hey Denise,

Thanks. Are you available tomorrow at 3pm EST? Otherwise, I'm free Monday except 2-3 and 5-6 pm CST, so let me know if you have anything available then.

Trey

From: FOIA <foia@tva.gov>

Sent: Thursday, December 2, 2021 2:57 PM

To: Trey Bussey <tbussey@selctn.org>

Cc: Amanda Garcia <agarcia@selctn.org>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

Hi Trey – the best way to reach me is to email. I think it would be a good idea to discuss again. When is a good time for you? Thanks, Denise

From: Trey Bussey <tbussey@selctn.org>

Sent: Wednesday, December 1, 2021 9:56 AM

To: FOIA <foia@tva.gov>

Cc: Amanda Garcia <agarcia@selctn.org>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Dear Denise,

Do you have an updated timeline for the remainder of this request? I left a voicemail yesterday, so feel free to call (202-907-6193) or email to discuss this.

Thanks,
Trey

From: Trey Bussey

Sent: Thursday, November 18, 2021 9:47 AM

To: FOIA <foia@tva.gov>

Cc: Amanda Garcia <agarcia@selctn.org>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

Dear Denise,

Thank you for reviewing the disclosure again and for updating us.

Best,
Trey

From: FOIA <foia@tva.gov>

Sent: Tuesday, November 16, 2021 9:33 AM

To: Trey Bussey <tbussey@selctn.org>

Cc: Amanda Garcia <agarcia@selctn.org>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

Dear Trey – thanks for your email. We believe the information is properly withheld under exemption 4. We processed submitter notices to both companies and carefully considered the information they identified as their confidential business information before accepting the redactions. We reviewed the information again upon receiving your email and did not find additional information that can be released. Once we complete this request you will have the opportunity to appeal if you do not agree with the FOIA determinations.

Sincerely,

Denise Smith
FOIA Officer
Tennessee Valley Authority
400 W. Summit Hill Dr. WT 7D
Knoxville, TN 37902-1401
foia@tva.gov

From: Trey Bussey <tbussey@selctn.org>

Sent: Monday, November 1, 2021 10:49 AM

To: FOIA <foia@tva.gov>

Cc: Amanda Garcia <agarcia@selctn.org>

Subject: RE: SELC FOIA re Correspondence with Gas Companies

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Denise,

Thank you for the disclosure. The redactions cite FOIA Exemption 4, which covers "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C.A. § 552(b)(4). As with any exemption, "[a]n agency shall withhold information under this section only if the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b)." 5 U.S.C. § 552(a)(8)(A)(i). In the agreement with

Tennessee Gas Pipeline Company, TVA has redacted information regarding TVA Board approval ("Shipper Management Approval," 7.A.i) and TVA's environmental review, such as under the National Environmental Policy Act ("Shipper's Project Environmental Reviews," 7.B.iv). The agreement with East Tennessee Natural Gas, LLC, is more heavily redacted but likely contains similar provisions.

Can you please explain how FOIA Exemption 4 applies to the contracts' provisions addressing TVA Board approval and TVA's environmental review of the project? Further, can you explain the harm TVA foresees in disclosing that information? We do not believe Exemption 4 would apply to much of the information in these agreements, and we do not believe disclosure would harm interests FOIA protects. We request that TVA remove unwarranted redactions and promptly disclose unredacted copies of these records.

Thanks,
Trey

Trey Bussey
Associate Attorney
tbussey@selctn.org

Southern Environmental Law Center
1033 Demonbreun Street, Suite 205 | Nashville, TN 37203
(615) 921-9470
southernenvironment.org

From: FOIA <foia@tva.gov>
Sent: Thursday, October 28, 2021 9:50 AM
To: Trey Bussey <tbussey@selctn.org>
Cc: Amanda Garcia <agarcia@selctn.org>
Subject: RE: SELC FOIA re Correspondence with Gas Companies

Dear Trey – attached is an interim response to your August 5 request. Please let me know if you have questions or need additional information. Thank you – Denise

Denise Smith
FOIA Officer
Tennessee Valley Authority
400 W. Summit Hill Dr. WT 7D
Knoxville, TN 37902-1401
foia@tva.gov

From: Trey Bussey <tbussey@selctn.org>
Sent: Thursday, August 5, 2021 10:15 AM

To: FOIA <foia@tva.gov>

Cc: Amanda Garcia <agarcia@selctn.org>

Subject: SELC FOIA re Correspondence with Gas Companies

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Dear Denise,

The Southern Environmental Law Center respectfully submits the attached Freedom of Information Act request, also filed online through TVA's FOIA portal today. Please let me know if you have any questions.

Thanks,
Trey

Trey Bussey
Associate Attorney
Southern Environmental Law Center
1033 Demonbreun Street, Suite 205 | Nashville, TN 37203
(615) 921-9470 | tbussey@selctn.org